IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.862 OF 2002

Rohidas @ Bala Ramji Kene & Ors. ..Appellants.

V/s.

The State of Maharashtra. ..Respondent.

Mr.Ganesh Gole, for appellants.

Mr.V.B.Konde-Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 25, 2005.

P.C. :

1. As companion appeal in respect of the same accused are pending before the Sessions Court, the appropriate course as noted in the office report submitted by the Registrar (Judicial-I) is to transfer this appeal to the file of Sessions Court, Thane to be heard alongwith the pending Criminal Case No. 40/2002 before the said court.

2. Counsel for the appellants has no objection for adopting this course, provided bail already granted by this court in favour of the appellants is continued till the disposal of the appeal. This request to my mind is reasonable. There is no reason why such indulgence should not be shown when the

appeal itself is required to be transferred before the Sessions Court to be heard alongwith other companion matters.

3. Accordingly, this appeal is directed to be transferred and heard by the Sessions Court, Thane alongwith the Criminal Appeal No.40 of 2002 pending before that court. During the pendency of the said appeal, bail granted by this court in favour of the appellants herein shall continue.

4. Paper be forwarded to the Sessions Court, Thane, not later than four weeks from today.